



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,610	08/11/2005	Franz Laermer	10191/4116	9981
26646	7590	03/03/2008	EXAMINER	
KENYON & KENYON LLP			HO, HOANG QUAN TRAN	
ONE BROADWAY				
NEW YORK, NY 10004			ART UNIT	PAPER NUMBER
			2818	
			MAIL DATE	DELIVERY MODE
			03/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments/Remarks

Applicant's response filed on February 11, 2008 is acknowledged and is answered as follows.

Applicant's arguments, see pgs. 2 – 3, with respect to the rejection by Nishimura have been fully considered but they are not persuasive in view of the following reasons.

Applicant argued that ref. nos. 4 – 6 do not constitute a passivation layer. The Examiner respectfully disagrees. See MPEP § 2112.01(I). Furthermore, Applicant failed to furnish credible evidences to establish such assertion.

Applicant argued ref. nos. 4 – 6 are not applied to a surface of a silicon etching layer. The Examiner respectfully disagrees. See claim 23, for which Applicant explicitly distinguishes the physical contacting location of the passivation layer, specifically the first partial layer. Therefore, claim 1 does not establish the passivation layer must be directly applied to a surface of the etching layer, i.e., silicon layer.

In view of the foregoing reasons, the Examiner believes that all Applicant's arguments and remarks are addressed. The Examiner has determined that the previous Office Action is still proper based on the above responses. Therefore, the rejections are sustained and maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Quan Ho whose telephone number is 571-272-8711. The examiner can normally be reached on Monday - Friday, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Loke can be reached on 571-272-1657. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HQH/
Hoang-Quan Ho
Assistant Patent Examiner
February 14, 2008

/Andy Huynh/
Primary Examiner, Art Unit 2818